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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,021	05/15/2001	Mark Jasen	P 281228	8002

7590 10/20/2005
Pillsbury Winthrop LLP
1600 Tysons Boulevard
McLean, VA 22102

EXAMINER

WILLETT, STEPHAN F

ART UNIT PAPER NUMBER

2142

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-6 and 61-66, drawn to QOS of a port, are classified in class 709, subclass 242.
 - II. Claims 7-21, 34-60, 67-77, drawn to QOS of a source, are classified in class 709, subclass 240.

2. The inventions are distinct, each from the other because:

The claims in Group I involve steps to applying QOS to a port, while the claims in Group II specifically involve applying QOS to a source, which is classified in a different class from Group

I.

3. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as to apply QOS to a port. In the instant case, invention II has separate utility such as to apply QOS to a source. See MPEP § 806.05(d).

Art Unit: 2142

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement may be traversed (37 CFR 1.143).

1. A telephone call was made to Jean-Paul Hoffman with Reg. No. 42,663 on October 12, 2005 to request an oral election to the above restriction requirement, but did not result in an election being made.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. A close review of the references is suggested. A close review of the Khaunte reference with Patent Number 6,546,017 is suggested. The other references cited teach numerous other ways to adapt QOS to users, thus a close review of them is suggested.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (571)272-3890. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

2. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

Art Unit: 2142

supervisor, Andrew Caldwell, can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

3. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

sfw

October 16, 2005

A handwritten signature in black ink that reads "Andrew Caldwell". The signature is written in a cursive, flowing style.

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER